

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE: ) CHAPTER 13  
)  
James Ernest Carroll, III, ) CASE NO. 16-58322-PMB  
)  
DEBTOR. )

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IN RE: )  
)  
James Ernest Carroll, III, )  
)  
MOVANT, ) **CONTESTED MATTER**  
)  
v. )  
)  
Ditech Financial LLC fka )  
Green Tree Servicing LLC, )  
)  
RESPONDENT. )

FILED  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA  
2017 JAN 20 PM 2:37  
BY [Signature]

**NOTICE OF HEARING**

**PLEASE TAKE NOTICE** that the Movant has filed an Objection to Proof of Claim No. 8-1 and seeks an order for the trustee not to fund the claim.

**PLEASE TAKE FURTHER NOTICE** that the Court will hold a hearing on the Motion in **Courtroom 1202, U.S. Courthouse, 75 Ted Turner Drive, SW, Atlanta, Georgia, 30303, at 10:00 a.m. on February 23, 2017.**

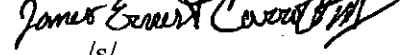
Your rights may be affected by the Court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have any attorney, you may wish to consult one.) If you do not want the Court to grant the relief sought in these pleadings or if you want the Court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so.

If you file a written response, you must attach a certificate stating when, how, and on whom (including addresses) you served the response. Mail or deliver your response so that it is

received by the Clerk at least two business days before the hearing. The address of the Clerk's Office is: **Clerk, U.S. Bankruptcy Court, 1340 U.S. Courthouse, 75 Ted Turner Drive, SW, Atlanta, Georgia, 30303.** You must also mail a copy of your response to the undersigned at the address stated below.

Dated: January 20, 2017

Respectfully submitted,

  
/s/

James Ernest Carroll, III  
3300 Dogwood Drive  
Apt 216  
Atlanta, GA 30354

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**OBJECTION TO CLAIM**

COMES NOW, the Debtor, James Ernest Carroll, III, hereby objects to the Proof of Claim filed by Respondent in this Chapter 13 Case. As grounds for this Objection, the Debtor shows this Honorable Court the following:

1.

This case was commenced by the filing of a Voluntary Petition for relief in the Bankruptcy under Chapter 13 of Title 11 of the United States Code on May 11, 2016.

2.

The Chapter 13 Plan was confirmed on October 6, 2016.

3.

On September 20, 2016, Respondent filed a Secured Claim No. 8-1 in the amount of \$139,266.80 secured by real property located at 1216 Catalina Pkwy, McDonough, GA 30252, with an arrearage amount of \$6,990.71.

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U.S. BANKRUPTCY COURT  
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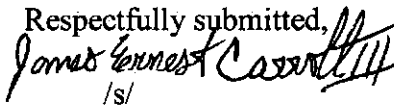
4.

The Debtor objects to the claim, as Debtor has surrendered his interest though the confirmed Chapter 13 Plan. As of today, Movent has not foreclosed on the home, as such

WHEREFORE, the Debtors pray:

- a) That Claim number 8-1 in the amount of \$139,266.80 shall not be funded by the Trustee; and that once the home is sold at foreclosure the Movent shall amend its claim to a deficiency claim, if applicable; and That the lien of Respondent be declared void, and ordered extinguished, upon
- b) That the Claim should be disallowed until hearing on objection; and
- c) For such other and further relief as this Court may deem necessary and proper;

Dated: January 20, 2017

Respectfully submitted,  
  
/s/

James Ernest Carroll, III  
3300 Dogwood Drive  
Apt 216  
Atlanta, GA 30354

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a copy of the within pleading upon the following by depositing a copy of the same in the U.S. Mail with sufficient postage affixed thereon to ensure delivery. Any FDIC insured depository institutions have been served by Certified Mail in accordance with Fed. R. Bankr. P.7004(h).

James Ernest Carroll, III  
3300 Dogwood Drive  
Apt 216  
Atlanta, GA 30354

Adam M. Goodman  
Adam M. Goodman, 13 Trustee  
260 Peachtree Street  
Suite 200  
Atlanta, GA 30303

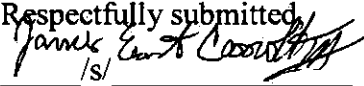
Ditech Financial LLC  
fka Green Tree Servicing LLC  
PO Box 6154  
Rapid City, SD 57709

CT Corporation System  
1201 Peachtree Street NE  
Atlanta, GA 30361

Wanda J Lamb-Linder, Member  
Ditech Financial LLC  
fka Green Tree Servicing LLC  
3000 Bayport Drive, Ste 880  
Tampa, FL 33607

Craig A, Edelman  
Attorney  
Buckley Madole PC  
PO Box 9013  
Addison, TX, 75001

Dated: January 20, 2017

Respectfully submitted,  
  
/s/  
James Ernest Carroll, III  
3300 Dogwood Drive  
Apt 216  
Atlanta, GA 30354